

209-06/MU

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Michael E. Unger (MU 0045)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GENERAL NATIONAL MARITIME  
TRANSPORT COMPANY,

Plaintiff,

-against-

COMPAGNIE ALGERO-LIBYENNE DE  
TRANSPORT MARITIME (CALTRAM),

Defendant.  
-----X

JUDGE SWAIN

06 CV ( 3534 )

**UNGER AFFIDAVIT  
IN SUPPORT OF ORDER  
APPOINTING PERSON  
TO SERVE PROCESS  
PURSUANT TO RULE 4(c)  
AND SCOPE OF SERVICE**

State of New York     )  
                                  ) ss.:  
County of New York    )

MICHAEL E. UNGER, being duly sworn, deposes and says as follows:

1. I am a member of the Bar of the United States District Court, Southern District of New York, admitted to practice before this Court and am a partner with the law firm of FREEHILL HOGAN & MAHAR, LLP, attorneys for Plaintiff in this action.

2. I am fully familiar with the matters set forth in this affidavit, which is submitted in support of Plaintiff's application pursuant to Rule 4(c) of the Federal Rules of Civil Procedure for an Order appointing myself, Lawrence Kahn, Daniel Fitzgerald, Pamela Schultz, Jill Taft, Kerry Dinneen, Michael Elliott, Robert Ridenour, Joan Sorrentino, Barbara Carnevale or any

other partner, associate, paralegal or other agent of Freehill Hogan & Mahar, LLP, in addition to the United States Marshal, to serve the Process of Attachment and Garnishment issued pursuant to FRCP Supplemental Rule B upon the named garnishee(s) as well as any other garnishee(s) who (based upon information developed subsequent hereto) may hold assets of, for, or on behalf of the Defendant.

3. Plaintiff is desirous of serving the Process of Attachment and Garnishment on the garnishee(s) with all deliberate speed so that it will be fully protected against the possibility of not being able to satisfy a judgment that may ultimately be entered by Plaintiff against the Defendant.

4. To the extent the Application for an Order Appointing a Special Process Server with respect to this attachment and garnishment does not involve a restraint of physical property, there is no need to require that the service be effected by the Marshal as it simply involves delivery of the process to the respective garnishee(s).

5. Plaintiff also requests that the Court grant it leave to serve any additional garnishee(s) who may be discovered in the course of this litigation to be holding property of the Defendant within this District. By obtaining leave at this time to serve these other possible garnishees, it will facilitate prompt service of the Process without the need to return to the Court for permission to amend the process to simply name other garnishees.

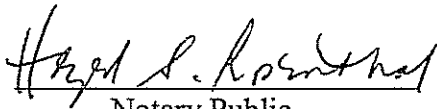
6. In addition, and to avoid the need to repetitively serve the garnishees/banking institutions, Plaintiffs respectfully seek leave, as embodied in the accompanying proposed orders, for any Process served on a garnishee to be deemed effective and continuous throughout any given day on which process is served up through the next day, to authorize service by facsimile

or email following an initial service of the process by hand, and to deem such facsimile or email service as being accomplished within the district if it is transmitted from within the district.



Michael E. Unger (MU 0045)

Sworn to before me this  
10<sup>th</sup> day of May, 2006



Notary Public

HAZEL S. ROSENTHAL  
Notary Public, State of New York  
No. 01RO4641178  
Qualified in Queens County  
Certified in New York County  
Commission Expires Dec. 31, 2008